ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	:	
	:	
Amendment of the Commission's	:	PR Docket 92-257
Rules Concerning Maritime	:	RM-7956
Communications	:	RM-8031

To: The Commission

COMMENTS OF THE ASSOCIATION OF AMERICAN RAILROADS

The Association of American Railroads ("AAR"), by its undersigned counsel, hereby submits its comments in the above-captioned proceeding in response to the Commission's Notice of Proposed Rulemaking and Notice of Inquiry (hereinafter "Notice"), released November 30, 1992.[1/]

1. By its Notice, the Commission initiated a proceeding to review present requirements and future trends concerning maritime communications. As part of the rulemaking aspect of the proceeding, the Commission has proposed to reclassify public coast stations as non-dominant common carriers and to allow private land mobile entities to share certain maritime frequencies. In the inquiry phase of the proceeding, the Commission has sought information to assist it in formulating rules and regulatory policies of the maritime services that will increase safety, promote flexibility, reduce congestion, and remove unnecessary impediments to the economic well-being of the maritime industry.

1/ By Order (DA 93-35), released January 15, 1993, the Commission granted various requests for extension of time to file comments and reply comments on June 1 and July 15, 1993, respectively.

2. The railroad industry has an interest in this proceeding because some of the channels that are allocated internationally to the maritime service -- the so-called "Appendix 18" channels -- are assigned domestically to the Private Land Mobile Radio (PLMR) service, in particular, to the Railroad Radio Service.[2/] In this regard, AAR is opposed to one of the suggestions in the inquiry phase of the proceeding, i.e., that inter-service frequency sharing be permitted between the maritime service and the Railroad Radio Service.

3. At paragraph 29 of the Notice, the Commission made

services. It is AAR's view that such sharing is not feasible, particularly in the major port cities in the United States which, not coincidentally, also are major rail centers.

5. As the representative of an industry that is directly affected by the Commission's suggestion for inter-service frequency sharing, AAR has a vital interest in this matter. AAR functions as the frequency coordinator with respect to the operation of land mobile and other radio-based services for the railroad industry. AAR's members -- the nation's railroads -- are major users of land mobile radio communications in the VHF frequency band, where railroads operate PLMR facilities on 91 channels between 160.215 and 161.565 MHz. Of these, 32 channels are either "Appendix 18" channels or are within the "Appendix 18" allocation.[5/]

6. Effective mobile communications capability is extremely important to the railroad industry. On locomotives, along railroad tracks, and in stations, terminals and train yards across the nation, railroads currently utilize about 16,500 base stations, 46,300 mobile radios, 18,500 portable radios, 5,000 "talking" defect detectors, and 34,750 locomotive radios. The map of the United States attached as Exhibit 1 indicates the nationwide placement of base stations operating in the Railroad Radio Service.

7. The FCC established the Railroad Radio Service in the 1940s in recognition of the highly specialized communications

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5/ The Railroad Radio Service frequencies are spaced every 15 kHz, whereas the "Appendix 18" frequencies are spaced every 25 kHz.

needs of the railroad industry and the importance of radio to the safe and efficient operation of the railroads.[6/] Mobile radios using dedicated railroad channels permit communications among dispatchers, yard crews, switch crews, signal technicians, mechanical and engineering crews and other personnel. Virtually all railroad employees involved in operations not only carry their own portable radios, but also make extensive use of mobile radios installed in the railroads' vehicular fleet. Further, mobile units operating on channels with telephone interconnect capability permit ubiquitous communication throughout the public switched network. [7/]

8. The railroads' use of PLMR frequencies will continue to grow as advanced specialized radio applications -- many unique to the railroad environment -- continue to expand. New uses will include data links for wayside equipment, mobile data terminals, remote switch indicators and controllers, wayside telephone,

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6/ See Memorandum Opinion and Order, Docket No. 18262, 51 FCC 2d 945, 962-967 (1975) and General Mobile Radio Service, 13 FCC 1190, 1199-1204 (1949). Section 90.91 of the Commission's rules govern the Railroad Radio Service. 47 C.F.R. § 90.91.

7/ Telemetry systems for remote control and defect detection also utilize PLMR frequencies. Various defect detectors, including hot wheel and hot journal detectors, are critical in preventing train accidents. For example, hot journal detectors measure the temperature of the axle bearings of a railroad car as it passes over the detector. A radio transmission then alerts the train crew to stop the train and inspect the journal to determine whether to remove the car in question or proceed at reduced speed. Similarly, hot wheel detectors identify railroad cars with malfunctioning brakes, which could lead to fires or other unsafe conditions. Other radio-based detectors used by the railroads include dragging equipment, wheel impact, high/wide, rock/land slide, flood and bridge status detectors.

quality-of-ride for customer freight, and event recorder information from locomotives. Changes in railroad industry operations contribute to expanded use of land mobile radio systems. For instance, radio telemetry devices are performing functions previously performed by caboose personnel. Other functions previously performed manually, such as flagging and

crews and wayside main-tenance personnel. In addition, defect detectors and other telemetry devices require immediate transmission of information regarding potentially hazardous conditions.

10. As demonstrated by the foregoing, the railroad industry and the public benefit greatly by the railroads' ability to operate their radio communications networks as an autonomous seamless whole. Clearly that ability would be lost if users in other radio services were allowed to share in the utilization of channels assigned to the railroad industry in the very locations where railroad frequency use is the heaviest. As shown on the attached map, the major port cities on the East, West and Gulf Coasts of the United States are also major rail centers. Indeed, these cities are the principal locations for the exchange of intermodal containerized freight which is inbound from or outbound to overseas points. It is these locations where PLMR frequency congestion is most severe and where, therefore, the opportunity for maritime inter-service channel sharing simply does not exist. In this regard, AAR is unaware of the basis for the Commission's statement at paragraph 29 of the Notice that some PLMR frequencies are "little used in some areas" and are therefore candidates for sharing. In AAR's experience, there is extremely heavy railroad utilization of PLMR frequencies in precisely the same areas where the use of frequencies by maritime interests is the most intense.

12. In summary, AAR urges the Commission not to permit marine users to share PLMR VHF channels that are allocated in the United States and Canada for use by the railroad industry. Instead, the Commission should consider implementing the numerous other proposals set forth in the Notice that are designed to relieve frequency congestion in the maritime service, similar to the various proposals the Commission is pursuing in PR Docket No. 92-235 pertaining to increased spectrum efficiency for the PLMR frequencies below 512 MHz.

Respectfully submitted,

ASSOCIATION OF AMERICAN RAILROADS

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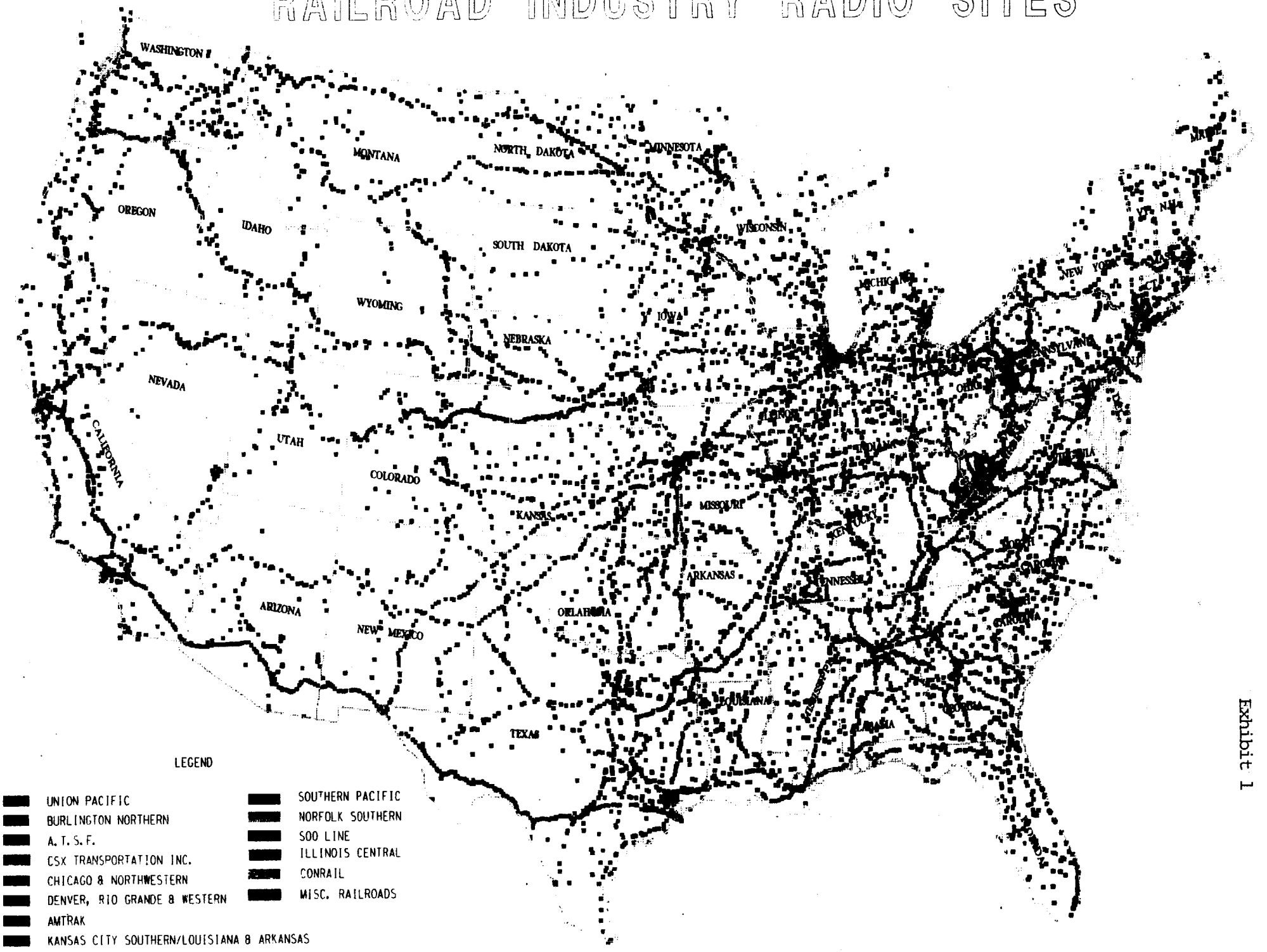
RAILROAD INDUSTRY RADIO SITES



PR Docket 92-257
Exhibit 1

CERTIFICATE OF SERVICE

I, Norma E. Rusnak, a secretary for the law firm Verner, Liipfert, Bernhard, McPherson and Hand, Chartered, do hereby certify that a true and correct copy of the foregoing "Comments of The Association of American Railroads" was delivered by hand, this 1st day of June, 1993, to the following:

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